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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yuqiu Jiang, et al.  
Application No. : 09/551,621  
Filed : April 17, 2000  
For : Compositions for the Treatment and Diagnosis of Breast Cancer and  
Methods for Their Use

Examiner : Janet L. Epps  
Art Unit : 1635  
Docket No. : 210121.470C5  
Date : July 23, 2001

Commissioner for Patents  
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement dated June 22, 2001 and due July 22, 2001 (Sunday), Applicants hereby elect with traverse, Group II, claims 4-12, 17-20, 39, 44-47, and 77-79, drawn to polynucleotides and polynucleotide compositions, and species SEQ ID NO:474, for examination at this time. Applicants reserve the right to pursue, without prejudice, the subject matter of the non-elected groups and/or species in a subsequent divisional, continuation and/or continuation-in-part application.

Applicants respectfully submit that the presently claimed invention relates to products which together comprise a single inventive concept and that it would not constitute an undue burden for the Examiner to search the polynucleotides of SEQ ID NO:463-468 along with elected species SEQ ID NO:474 as detailed further in the following Remarks.

## REMARKS

Claims 1-79 are currently pending in this application. As noted above, Applicants hereby elect with traverse Group II, claims 4-12, 17-20, 39, 44-47, and 77-79 and species SEQ ID NO:474 for examination at this time. Applicants respectfully request, however, that the Examiner reconsider restricting the present patent application to a single species and, instead, group together the polynucleotides of SEQ ID NO:463-468 as well as 474 in a single application.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: